



Senate

General Assembly

File No. 641

February Session, 2016

Substitute Senate Bill No. 471

Senate, April 14, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ACCESS TO JUSTICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) The Judicial Branch
2 shall establish, within available resources, a volunteer attorney
3 program for the provision of legal services to program participants in
4 accordance with this section. The Chief Court Administrator shall
5 enlist the services of attorneys who are admitted to the bar of this state
6 and who are in good standing to provide legal services to program
7 participants, who are not otherwise represented by attorneys, at no
8 cost to the program participants. Under the program, legal services
9 provided by volunteer attorneys shall include, but need not be limited
10 to, assistance in applying for a restraining order under section 46b-15
11 of the general statutes and assistance in applying for a civil protection
12 order under section 46b-16a of the general statutes. With respect to the
13 administration of the program, the Chief Court Administrator shall
14 prescribe (1) the level of professional experience required of a
15 volunteer attorney, (2) the training requirements for a volunteer

16 attorney, (3) the scope of legal services that may be provided, and (4)
17 the dates, times and locations for the provision of legal services.

18 (b) Not later than January 1, 2018, and not later than January first of
19 each year thereafter, the Chief Court Administrator shall submit a
20 report in accordance with the provisions of section 11-4a of the general
21 statutes to the joint standing committee of the General Assembly
22 having cognizance of matters relating to the judiciary that sets forth:
23 (1) The number of attorneys participating in the program; (2) the total
24 number of volunteer hours provided by attorneys participating in the
25 program; (3) the number of persons receiving legal services under the
26 program; and (4) the costs incurred by the Judicial Branch to
27 administer the program.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2016	New section
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Statement of Legislative Commissioners:

In Section 1, references to "services" were changed to "legal services" for clarity and consistency and references to "participating attorney" were changed to "volunteer attorney" for consistency.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which requires the Judicial Department to establish a volunteer attorney program and specifies that the program will be within available appropriations, does not result in a fiscal impact as the Judicial Department already maintains similar programs. There are currently 18 similar volunteer attorney programs that are staffed by three Judicial employees (who currently spend between 10-60% of their time) at a cost of approximately \$89,000 annually (fringe benefits are not included in this cost).

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 471*****AN ACT CONCERNING ACCESS TO JUSTICE.*****SUMMARY:**

This bill requires the Judicial Branch to establish, within available resources, a volunteer attorney program to provide free legal services to unrepresented individuals.

It requires the chief court administrator, in administering the program, to:

1. enlist the services of state-licensed attorneys in good standing to provide such legal services;
2. prescribe the volunteer attorneys' required level of professional experience, training requirements, and scope of services;
3. prescribe the dates, times, and locations for the provision of services; and
4. report program data annually, by January 1, to the Judiciary Committee, starting by January 1, 2018.

Under the bill, the legal services provided by volunteer attorneys must include helping in applying for civil restraining orders and civil protection orders (see BACKGROUND).

The annual report must include the cost incurred by the Judicial Branch to administer the program, as well as the number of (1) attorneys volunteering in the program, (2) volunteer hours provided by such attorneys, and (3) program participants.

EFFECTIVE DATE: October 1, 2016

BACKGROUND

Civil Restraining Order. A family or household member may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member (CGS § 46b-15).

Civil Protection Order. A victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for the restraining order described above (CGS § 46b-16a).

Related Bills

sHB 5054 and sHB 5623, reported favorably by the Judiciary Committee, require the Judicial Branch to (1) revise and simplify the restraining order application process; (2) allocate space in the court, where feasible, for meetings between state marshals and restraining order applicants; and (3) annually collect restraining and protection order data.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 45 Nay 0 (03/30/2016)